

Calendar No. 1022

91ST CONGRESS }
2d Session }

SENATE

{ REPORT
No. 91-1018

DONAL E. McGONEGAL

JULY 15, 1970.—Ordered to be printed

Mr. BURDICK, from the Committee on the Judiciary,
submitted the following

REPORT

[To accompany S. 1422]

The Committee on the Judiciary, to which was referred the bill (S. 1422) for the relief of Donal E. McGonegal, having considered the same, reports favorably thereon, without amendment, and recommends that the bill do pass.

PURPOSE

The purpose of the bill is to relieve the claimant of all liability for repayment to the United States of the sum of \$728.37, representing the amount of overpayments of per diem he received, as the result of administrative error, from the U.S. Navy during the period from June 26, 1966 through November 22, 1966, while he was serving on active duty.

STATEMENT

The Department of the Navy has no objection to the enactment of the bill.

In its favorable report on the bill, the Department of the Navy set forth the facts of the case as follows:

This proposal would relieve Mr. Donal E. McGonegal, a former lieutenant commander in the U.S. Navy, of liability to repay to the United States the amount of \$728.37, the sum he was overpaid per diem for the period June 26, 1966 through November 22, 1966, while he was serving on active duty with the U.S. Navy.

The records of this Department show that during the period of the overpayment Mr. McGonegal was on temporary duty at Bangkok, Thailand. The disbursing officer for the U.S.S. *Intrepid* (CVS-11) erroneously computed the per diem for this period at the \$23 special rate rather than the \$18 travel per diem rate established by volume 1 of the Joint Travel Regulations. The difference between the amount paid, \$3,426.25, and the amount allowable, \$2,697.88, represents the overpayment of \$728.37.

The special per diem rates authorized under the Joint Travel Regulations must be specifically authorized in advance by a special determination issued by the Per Diem, Travel, and Transportation Allowance Committee, or the committee which is authorized by statute to publish the Joint Travel Regulations. The records in this case reveal that no application was submitted for a special per diem allowance.

It would appear that the overpayment in this case was the result of an administrative error on the part of the disbursing officer for the U.S.S. *Intrepid* in using the wrong standard in determining the proper rate of per diem for Mr. McGonegal. There is no indication that the overpayment was the result of fault or negligence on the part of Mr. McGonegal.

In view of the foregoing, the Department of the Navy would interpose no objection to the enactment of S. 1422.

The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report for the consideration of the committee.

The committee believes that the bill is meritorious and recommends it favorably.

Attached and made a part of this report is a letter dated September 23, 1970, from the Department of the Navy :

DEPARTMENT OF THE NAVY,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, D.C., September 23, 1969.

HON. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN : Reference is made to your letter of March 22, 1969, to the Secretary of the Navy requesting comment on S. 1422, a bill for the relief of Donal E. McGonegal.

This proposal would relieve Mr. Donal E. McGonegal, a former lieutenant commander in the U.S. Navy, of liability to repay to the United States the amount of \$728.37, the sum he was overpaid per diem for the period June 26, 1966, through November 22, 1966, while he was serving on active duty with the U.S. Navy.

The records of this Department show that during the period of the overpayment Mr. McGonegal was on temporary duty at Bangkok, Thailand. The disbursing officer for the U.S.S. *Intrepid* (CVS-11) erroneously computed the per diem for this period at the \$23 special rate rather than the \$18 travel per diem rate established by volume 1

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In view of the foregoing, the Department of the Navy would interpose no objection to the enactment of S. 1422.

The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report for the consideration of the committee.

For the Secretary of the Navy.

Sincerely yours,

JOHN D. H. KANE, JR.,
Captain, U.S. Navy, Deputy Chief.



